

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

JERRY HART

PLAINTIFF

V.

CASE NO. 3:12CV00203 BSM

**AMANDA CHILDRESS, Nurse,
Crittenden County Detention Facility**

DEFENDANT

ORDER

The proposed findings and recommended disposition submitted by United States Magistrate Judge J. Thomas Ray have been reviewed. After carefully considering the objections filed by Plaintiff Carlest Matthews Johnson and making a *de novo* review of the record in this case, it is concluded that the proposed findings and recommended partial disposition should be, and hereby are, approved and adopted in their entirety as this court's findings in all respects.

IT IS THEREFORE ORDERED THAT:

1. Mr. Hart may proceed with his inadequate medical care claim against defendant Childress in her individual capacity only.
2. Mr. Hart's inadequate medical care claim against Childress in her official capacity is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim upon which relief may be granted.
3. The Clerk is directed to prepare a summons for Childress, and the U.S. Marshal is directed to serve the summons, complaint, amended complaint, and this order on her without prepayment of fees and costs or security. If she is no longer a Crittenden County

employee, the individual responding to service shall file her last known private mailing address under seal.

4. The court certifies that an *in forma pauperis* appeal from this order would not be taken in good faith.

IT IS SO ORDERED this 9th day of October 2012.


UNITED STATES DISTRICT JUDGE